THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 25338 of 1998

10-09-2007

Between:

S.Krishnappa
S/o S.China Gangulappa,
R/o Saraguntapalle(V), Borakayalakota ,
Madanapalli (Tq), Chittoor District.

… Petitioner

And:

Government of AP, rep. by its Secretary,
Labour, Employment, Nutrition and Technical Education
(Lab-I) Department, Secretariat, Hyderabad and others

… Respondents

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ORAL ORDER :

This workman's writ petition is against the award dated 20.9.1986 of the Labour Court, Anantapur, in ID No. 125 of 1986.

The workman was employed as a Conductor in the APSRTC. While he was conducting the bus APZ 9064 on 18.3.1984 a check of the bus was caused between stages 5 and 6 by the TTCs of the Divisional Checking Squad and thereat it was observed that the workman had collected the fare from a batch of three passengers who had boarded the bus at stage No.5 and bound for stage No.6, but did not issue tickets. These passengers were found alighting at

Gajulapalli. A departmental enquiry was initiated whereat the workman was alleged to have committed misconduct of collecting the fare but failed to issue tickets for three passengers; that he failed to observe the rule 'issue and start' and that he failed to close the SR against stage No.6. In the enquiry he was found guilty as charged and imposed the penalty of removal from service. The workman preferred a departmental appeal without success and a review to the Regional Manager equally without success. At the instance of the workman the appropriate Government was addressed for making a reference to the Labour Court and a reference u/Sec. 10 of the Industrial Disputes Act 1947 was accordingly made to the Labour Court, Anantapur. That is how the Labour Court came to consider the I.D.

By the award impugned the Labour Court concurred with the findings of the departmental enquiry that the workman was guilty as charged and that his explanation to the charges of misconduct were without basis. The Labour Court specifically concurred with the finding that the workman failed to follow the mandatory rule of 'issue and start' and had also collected the fare from three passengers but failed to issue tickets. The Labour Court also observed that in the review petition filed by the workman, the Regional Manager had observed that the workman was censured on 9 occasions; his annual increments were deferred on 6 occasions he was warned twice and most of the charges resulting in those punishments were for cash and ticket irregularities.

On the above analysis by the award impugned the Labour Court answered the reference against the workman.

This court discerns no infirmity in the award of the Labour Court warranting interference u/Art. 226 of the Constitution. There are no merits in the writ petition, which is accordingly dismissed. No order as to costs.

Dt: 10.09.2007 ----------

Pvsn Justice

G.Raghuram